

1 STATE OF NEW HAMPSHIRE

2 SITE EVALUATION COMMITTEE

3 December 13, 2007 - 9:06 a.m.
4 N.H. Public Utilities Commission
5 21 South Fruit Street, Suite 10
6 Concord, New Hampshire

7 In re: SITE EVALUATION COMMITTEE:
8 Public meeting relating to taking a
9 vote on whether to adopt an Initial
10 Proposal of rules for Sec Chapter 100
11 Organizational Rules and Sec Chapter 200
12 Procedural Rules, and also to consider
13 such new business as the Committee
14 members determine is appropriate.

15 PRESENT: SITE EVALUATION COMMITTEE:
16 Thomas S. Burack, Cmsr. Dept. of Environmental Services
(Chairman of SEC - Presiding Officer)
17 Thomas B. Getz, Chrmn. Public Utilities Commission
(Vice Chairman of SEC)
18 Graham Morrison, Cmsr. Public Utilities Commission
Clifton C. Below, Cmsr. Public Utilities Commission
19 Harry Stewart, Dir. DES - Water Division
George Bald, Cmsr. Dept. of Resources & Econ. Dev.
Allison McLean, Dir. Division of Parks & Recreation
Amy Ignatius, Dir. Office of Energy & Planning
20 Brook Dupee Dept. of Health & Human Services
Michael Harrington Public Utilities Commission

21
22 ALSO PRESENT: Suzanne G. Amidon, Esq. (N.H. PUC)

23

24 COURT REPORTER: Steven E. Patnaude, CCR

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1 P R O C E E D I N G S

2 CHAIRMAN BURACK: Good morning. I'd
3 like to call to order this public meeting of the Site
4 Evaluation Committee for the State of New Hampshire. We
5 have two items on our agenda. The first relating to
6 taking a vote on whether to adopt an Initial Proposal of
7 rules for Section -- Sec Chapter 100 Organizational Rules
8 and Sec Chapter 200 Procedural Rules, and also to consider
9 such new business as the Committee members determine is
10 appropriate.

11 Before we get started, I'd like to just
12 have folks go around and introduce themselves. My name is
13 Tom Burack, and I am the Commissioner of the Department of
14 Environmental Services, and in that capacity serve as your
15 Chairman.

16 CMSR. MORRISON: Graham Morrison,
17 Commissioner, PUC.

18 MR. HARRINGTON: Mike Harrington, New
19 Hampshire PUC.

20 DIR. IGNATIUS: Amy Ignatius, from the
21 Office of Energy and Planning.

22 MR. DUPEE: Brook Dupee, with the
23 Department of Health and Human Services.

24 DIR. McLEAN: Allison McLean, with the

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1 Department of Resources and Economic Development, Division
2 of Parks and Recreation.

3 CMSR. BALD: George Bald, with the
4 Department of Resources and Economic Development.

5 DIR. STEWART: Harry Stewart, Department
6 of Environmental Services, Water Division Director.

7 CMSR. BELOW: Clifton Below, PUC.

8 VICE CHAIRMAN GETZ: Tom Getz, Chairman
9 of the PUC and Vice Chair of the Site Evaluation
10 Committee.

11 CHAIRMAN BURACK: And, I would note for
12 the record that we have I believe ten members present, so
13 we do have a quorum present. What I would like to do now
14 is to turn things over to Tom Getz, our Vice Chair, to
15 explain and describe for us the process that we have been
16 working through to develop an Initial Proposal and the
17 timeline that we're on, and to lead us through this
18 discussion.

19 VICE CHAIRMAN GETZ: Okay. Thank you,
20 Mr. Chairman. First, let me take care of one
21 administrative matter from the Public Utility Commission's
22 perspective. For each proceeding, the statute provides
23 that the Committee will -- or, the Commission will
24 designate an engineer from the Commission as a participant

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1 in proceedings before or conducted by the Site Evaluation
2 Committee. So, this would be a vote for the three
3 Commissioners, and I would move that we designate Mike
4 Harrington as the Commission engineer to participate in
5 this rulemaking proceeding.

6 CMSR. MORRISON: I second.

7 CMSR. BELOW: And, I concur.

8 VICE CHAIRMAN GETZ: And, I note that
9 Mr. Harrington therefore is the PUC engineer designate for
10 this proceeding.

11 Let me go through a little background on
12 the procedural rules, and to bring us up to where we are
13 today. On July 7th, the Legislature passed and the
14 Governor signed Senate Bill 140, and one aspect of that
15 senate bill was directing the Site Evaluation Committee to
16 take an initial vote on proposed -- on procedural rules by
17 December 31st of 2007. And, pursuant to that directive, a
18 number of steps have been taken by the Committee and
19 Committee members.

20 There was a public meeting on
21 August 8th, in large part with respect to the Lempster
22 proceeding. We had posted that day a possibility of an
23 initial vote on proposed rules. At that day, there was --
24 some public comment was entertained with respect to

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1 procedural rules, and there was some discussion among the
2 Committee members, it was determined to do some more work
3 informally with respect to the procedural rules and to
4 meet with stakeholders, in order to have an initial vote
5 at a later date. After some -- And, let me also point out
6 at that time, the draft of the rules at that time were
7 updated from an earlier, probably somewhat outdated
8 version of procedural rules, and Mike Walls, from DES,
9 updated the rules with respect to some of the provisions
10 of the Model Rules by the Department of Justice, and also
11 to try to put into the new procedural rules some of the
12 requirements of Senate Bill 140, especially as they relate
13 to treatment of renewable projects.

14 And, there was some more drafting was
15 done to bring the -- looking at other agencies' rules, in
16 part, the PUC's, and a new draft was posted on our website
17 of the Chapter 100 Organizational Rules and the
18 Chapter 200 Procedural Rules. We reached out to a number
19 of interested stakeholders, primarily folks who had been
20 involved in the Senate Bill 140 process, and that's a
21 combination of parties interested in developing projects,
22 a number of parties, environmental organizations for the
23 most part, and we had a meeting here at the Commission on
24 November 9th, spent about five hours going through the

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1 statute and through the proposed rules. I would note that
2 present at the meeting were Commissioner Below; Mike
3 Walls, from DES; Suzanne Amidon, from the Public Utilities
4 Commission, an attorney who is helping with the process of
5 writing the rules and working it through the rulemaking
6 process; Mike Iacopino; Alexandra Blackmore, from National
7 Grid; Catherine Corkery, from the Sierra Club; Lisa
8 Linowes, from Industrial Wind Action; Ken Kimball, from
9 the Appalachian Mountain Club; Don Pfundstein, from
10 Gallagher, Callahan & Gartrell; and Doug Patch, from Orr &
11 Reno, representing Noble. I'm not sure, I think that's
12 generally -- and, I'm sorry, also from --

13 MS. FOSS: Karen Foss. Karen Foss,
14 representing New Hampshire Audubon.

15 VICE CHAIRMAN GETZ: Thank you. I knew
16 I was going to leave somebody out. So, those were the
17 folks who went through, basically, went through the rules,
18 the preliminary draft, line-by-line. And, I've handed out
19 a matrix of, basically, of comments that were -- and
20 issues raised that day. It was put together by Suzanne
21 Amidon. And, I think this gives us an overview of what
22 was discussed. And, I've also handed out to you a revised
23 edition of the Chapter 100 rules. And, looking at what we
24 discussed that day, I would be proposing this morning that

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1 we only really make two changes to the preliminary draft
2 that's been out there on the website for a month or more,
3 and that would be to add two additions or two definitions
4 to Chapter 100; one for the -- with respect to what
5 constitutes a motion and one with respect to transmission
6 lines. And, primarily, the reason that I only would be
7 proposing these two changes is there seems to be there is
8 no debate among the parties that it would be helpful to
9 add these two additions. The discussions we had on the
10 9th, a good deal of it was background, what was intended
11 by or meant by Senate Bill 140, what properly constitutes
12 procedural rules. There was discussion of what was meant
13 by some of the language in the rules that I think was
14 helpful resolving among the participants' minds of what
15 was intended.

16 There were a number of proposals from
17 different folks, but there was also disputes among some of
18 proposals. I didn't think it was appropriate, with a
19 14-member Committee, that I basically make a decision on
20 what should be inserted into the draft at this point,
21 which is really, today, would constitute the formal
22 beginning of the process. And, frankly, some of the
23 recommendations would be to put additions to the rules,
24 and, really, from my perspective, constitute substantive

1 issues, not procedural issues, and really aren't
2 appropriate to be put into procedural rules.

3 So, I guess my suggestion would be, I
4 think it was -- we, I believe, made a lot of progress
5 among the stakeholders in achieving a common understanding
6 of what's intended by the rules and where we are required
7 to go, both by the statute and by the rulemaking process.
8 And, so, for everybody's convenience, this matrix I think
9 is helpful in framing the issues. The next step in the
10 process, after today, would be, if we vote to adopt these
11 two chapters as the Initial Proposed Rules, then we would
12 ask the Legislative Budget Assistant to prepare a fiscal
13 impact statement. That usually takes a week, ten days.
14 After that, then we would file the rules with the JLCAR,
15 and then would go into the Rulemaking Register. Then, we
16 would need to set a hearing date. Most likely that should
17 occur sometime in February. And, then, subsequent to the
18 public hearing date, there would be a deadline for written
19 comments. And, then, we would take what we hear orally
20 and what we see in writing and then continue on with the
21 rulemaking process to adopt final rules.

22 So, I think that's the background at
23 this point. So, what we would be voting on today would be
24 the -- what you see in front of you, the 100 rules, with

1 the two additions, and then the 200 rules as they have
2 been circulated and have been on the website for, I think,
3 a month or six weeks.

4 Before we do anything like that, though,
5 is there any questions about the process or any
6 suggestions? Mr. Harrington.

7 MR. HARRINGTON: Yes. On the matrix
8 that was handed out, those are the issues that are still
9 based on comments submitted that have not been resolved,
10 and I guess they're mostly in the 200 rules?

11 VICE CHAIRMAN GETZ: Yes, these
12 represent issues that were raised among the stakeholders
13 in the informal meeting that was held on November 9th.

14 MR. HARRINGTON: And, how will these be
15 addressed? That will be addressed at the February
16 meeting?

17 VICE CHAIRMAN GETZ: Well, my view of it
18 was that, really, the way the process had developed, in
19 order to change the preliminary draft, and I didn't think
20 it was appropriate for me, certainly, on my own, to be
21 picking which ones should go in and which ones should not
22 be in, because it represents a wide spectrum of issues.
23 So, really, what this serves, the purpose I think today
24 is, it gives the members an idea of what the issues

1 pending are, but the formal process will be that, at the
2 public hearing or in written comments, the parties, all
3 stakeholders should raise, as a formal matter, what they
4 want to be their proposals to the Committee to consider
5 and deliberate on. Now, that doesn't mean that the
6 Committee can't, of its own accord, decide to change,
7 alter, add, subtract, revise the rules in any way that it
8 thinks appropriate.

9 CHAIRMAN BURACK: Prior to the time that
10 we adopt these as an Initial Proposal today or at a later
11 time.

12 CMSR. BELOW: Or between today's vote
13 and when we vote to make a final proposal --

14 CHAIRMAN BURACK: Of course.

15 CMSR. BELOW: -- that actually then goes
16 to JLCAR for review.

17 CHAIRMAN BURACK: Right. Are there
18 other questions or comments generally or specifically
19 about this Initial Proposal?

20 DIR. IGNATIUS: I have --

21 CHAIRMAN BURACK: Go ahead, Ms.
22 Ignatius.

23 DIR. IGNATIUS: Thank you. I have a
24 question about Section, in the 100 rules, Section 103.03.

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1 I want to tell you my interpretation of what it means, and
2 if I'm correct, then I don't think we need to amend
3 things. If we have different reads on it, then I think we
4 do need just to clarify. This would be just really a
5 procedural, not a substantive matter. But 103.03,
6 "Subcommittee Membership and Responsibilities", Section
7 (a), this is at the second to last page, at least in the
8 copy that I have, Section (a) says that the subcommittee
9 has to have at least "7 members", and among them must be
10 the -- well, it says "7 members". Section (b) says the
11 subcommittee must "include the chair, the vice-chair and
12 at least three members" from three identified agencies,
13 "Environmental Services", "DRED", and "Fish & Game".

14 VICE CHAIRMAN GETZ: I think it says
15 "the chair or vice-chair".

16 CMSR. MORRISON: "Or vice-chair".

17 DIR. IGNATIUS: Oh, excuse me, "chair or
18 vice-chair". Thank you. And, then, it doesn't say how
19 you fill out the rest of the Committee. So, I think you
20 just interpret a bit, and it seemed to me you're saying
21 that if you have -- you must have the chair or vice-chair,
22 even if the chair were there representing DES, you also
23 must select, of your three members, another person from
24 Environmental Services.

1 CMSR. MORRISON: That's how I read it.

2 DIR. IGNATIUS: And, then, --

3 VICE CHAIRMAN GETZ: And, I think this
4 language repeats the legislative language. But how that's
5 interpreted --

6 DIR. IGNATIUS: Okay. And, then, of the
7 remaining members, which could be seven or more total, it
8 doesn't have to be seven, but at least seven, then you
9 could pick from all member agencies, including those
10 three, (1, (2), and (3), "Environmental Services", "DRED",
11 and "Fish & Game", or not including them? I mean, you
12 don't have to go -- be limited to those three agencies in
13 filling out the rest of the Committee?

14 VICE CHAIRMAN GETZ: Yes. I guess the
15 way I would interpret it, so it's one of either
16 Commissioner Burack or myself, and then, of the next at
17 least six, you've got to have at least three out of the
18 Environmental Services, DRED, and Fish & Game. And, there
19 could be more. And, then, I guess that's the -- so, four
20 positions are accounted for, and then three, I guess, for
21 want of a better term, are wild cards.

22 DIR. IGNATIUS: Or more than three. I
23 mean, you could keep on going, if you want to?

24 VICE CHAIRMAN GETZ: There could be

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1 more. There could, yes.

2 DIR. IGNATIUS: Okay.

3 VICE CHAIRMAN GETZ: I guess,
4 conceivably, you could have -- the entire 14 members could
5 sit as a subcommittee.

6 DIR. IGNATIUS: Which sort of defeats
7 the whole purpose of the subcommittee, but -- All right.
8 Well, as long as that's clear to everyone, and that we all
9 think we understand it the same way, then I don't think we
10 need to change it. Thank you.

11 VICE CHAIRMAN GETZ: And, actually, this
12 kind of represents a good deal of the discussion we had on
13 November 9th, in terms of there would be language in the
14 rules and there would be a lot of discussion about the
15 language, then -- but it was language drafted directly
16 from the statute. And, sometimes there's not a lot of
17 leeway in that regard.

18 CHAIRMAN BURACK: Mr. Bald.

19 CMSR. BALD: I view a rule change the
20 same as I view water boarding; I think they're both
21 torture.

22 (Laughter.)

23 CMSR. BALD: And, I don't want to cause
24 any more aggravation here. But, if I was going to make

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1 some changes to this, would it be later or -- it's not a
2 major change. This is what I want to do. There may be
3 other things I want to do. But I would like somehow for
4 us to include that the Division of Historic Resources is
5 copied on information that we have. And, I don't know if
6 this would be the place to do it or if, before any request
7 to the Committee came, that we -- I would just ask at that
8 time that they be included. I'm not asking that they sit
9 on this, but just that they're copied on the information
10 we get.

11 VICE CHAIRMAN GETZ: Well, that's
12 certainly easy enough. I mean, we can -- I mean, our
13 options are pretty wide open. We could do that today. We
14 could do that as part of the rulemaking process. I think,
15 just by putting it on the record, it's clear that it's
16 something that is important to the Committee, and then we
17 can make that happen as we go through the process.

18 CMSR. BALD: Thank you.

19 CHAIRMAN BURACK: Do you have specific
20 suggested changes to this language today?

21 CMSR. BALD: I didn't.

22 CHAIRMAN BURACK: Okay.

23 CMSR. BALD: But I just -- I was
24 thinking of the easiest way to not cause further

1 aggravation.

2 CHAIRMAN BURACK: My sense would be
3 that, I think your suggestion is an excellent one, that
4 what we ought to do, as we're -- after we've adopted this
5 as an Initial Proposal, let's really look carefully at
6 where that language best goes and how we best draft it,
7 and consider that seriously for inclusion in the final
8 rules before we go to a final vote on it. That would be
9 my suggestion.

10 CMSR. BALD: Okay.

11 CHAIRMAN BURACK: Other folks
12 comfortable with that? Okay. I did have one small
13 suggested correction to the revised preliminary draft of
14 Chapter 100, and that is the revised proposed definition
15 of "motion", which appears to probably have been lifted
16 out of the PUC rules, right at the part that says "Puc
17 102.11", it probably should read "Sec 102.11". Minor, but
18 it jumped out at me.

19 CMSR. BELOW: Good point.

20 CHAIRMAN BURACK: Are there any other
21 comments or questions or suggestions on this initial --
22 draft Initial Proposal? Ms. Ignatius.

23 DIR. IGNATIUS: Thank you, Mr. Chairman.
24 I would like some help just in understanding the

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1 transmission line change, and I apologize if this has all
2 been through and I just have forgotten how it works.
3 Section 102.22 "transmission line", has the definition as
4 being the "transmission lines as defined by the statute,
5 Sections (b) and (c)", and then says "or it could be the
6 rule provisions (a) and (b) below". And, can somebody
7 just walk through how -- I've lost track of why we need
8 new definitions that aren't in the statute?

9 VICE CHAIRMAN GETZ: Well, I --

10 DIR. IGNATIUS: Or, are these restating
11 what's in the statute, in which case I don't understand
12 the structure of the rule?

13 VICE CHAIRMAN GETZ: Yes, I think it may
14 be a matter of just deleting the word "or".

15 CMSR. BELOW: And put in "namely",
16 because that's sort of the style when you -- such as in
17 102.19 above. Although, these -- part of this, there's a
18 direct quotation. It is a direct quotation. So, I think
19 you could say, instead of "or", would say "namely", "
20 namely:"

21 CHAIRMAN BURACK: Where would this
22 language appear?

23 CMSR. BELOW: Now, right after where it
24 says "(b) and (c)", under 102.22, in the first -- in the

1 second line right after that, it just says "(b) and (c)",
2 strike "or", and insert, after the "c", "), namely:", and
3 then it goes on to (a) and (b) below.

4 DIR. IGNATIUS: So, we think that the
5 (a) and the (b) in the rules are a direct quote of what
6 (b) and (c) in the statute are?

7 VICE CHAIRMAN GETZ: We don't have the
8 statute with us.

9 MS. AMIDON: Yes. It may have been an
10 inartful draft, but it was intended to take care of the
11 statutory definition.

12 VICE CHAIRMAN GETZ: Yes, I think what
13 it was intended to do was to cite to 162-H:2, II, (b) and
14 (c), and then the convention, in this definition, is to
15 restate them as (a) and (b) or should you just substitute
16 (b) and (c)? I think that -- I think what --

17 MS. AMIDON: I would just say that you
18 probably need to redesignate it to make it clear, if it's
19 not clear.

20 CMSR. BELOW: And, that could be done
21 with where the quotation marks are placed. The quotation
22 marks under (a) should probably close after "or lines",
23 because that's when the quotation ends, and then says "or
24 (b)", and then requote "An electric...", which then would

1 make the quotations just surround words that are in the
2 statute.

3 VICE CHAIRMAN GETZ: I think, you know,
4 we might be able to adopt this subject to correcting the
5 punctuation.

6 CMSR. BELOW: Right.

7 MS. AMIDON: Yes. And, I can work with
8 Commissioner Below on that, since he seems to have an idea
9 of how it should better appear.

10 DIR. IGNATIUS: But the substantive
11 point is that 102.22 will simply define them as they're
12 defined in the statute?

13 CMSR. BELOW: Right.

14 VICE CHAIRMAN GETZ: Yes.

15 DIR. IGNATIUS: Okay. Thanks.

16 CMSR. BELOW: And, I would just like to
17 say, I think, in conjunction with punctuation, we can add
18 page numbers and a table of contents before submitting
19 them.

20 VICE CHAIRMAN GETZ: All related
21 ministerial matters.

22 CMSR. BELOW: Right.

23 CHAIRMAN BURACK: Are there other
24 questions or comments or suggestions on this Initial

1 Proposal, as we have now discussed various revisions to
2 it?

3 CMSR. BELOW: I would move that we make
4 an Initial Proposal for Organizational Rules, SEC 100
5 Chapter, or I should say "Chapter SEC 100 Organizational
6 Rules", as presented and amended in our discussion today.

7 CMSR. MORRISON: I second.

8 CHAIRMAN BURACK: So, we have a motion
9 and a second to adopt as an Initial Proposal this revised
10 preliminary draft of Sec 100 Organizational Rules, subject
11 to further ministerial corrections.

12 CMSR. BELOW: Punctuation, --

13 CHAIRMAN BURACK: Punctuation.

14 CMSR. BELOW: -- page numbers, and a
15 table of contents.

16 CHAIRMAN BURACK: Okay. And, we have a
17 second. Is there any discussion on this motion?

18 (No verbal response)

19 CHAIRMAN BURACK: If not, we will take a
20 vote. And, I think we'll just do this orally. I don't
21 think we need to do this as a roll call. All in favor,
22 please signify by saying "aye"?

23 (Multiple members indicating "aye".)

24 CHAIRMAN BURACK: Any opposed?

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1 (No verbal response)

2 CHAIRMAN BURACK: Abstentions?

3 (No verbal response)

4 CHAIRMAN BURACK: Okay. Thank you.

5 That motion carries. And, now, is there any discussion
6 with respect to the preliminary draft of the SEC 200
7 Procedural Rules?

8 CMSR. BELOW: So, Tom, your suggestion
9 was that we go back to what's been posted as a preliminary
10 draft, and not incorporate any further amendments at this
11 point, but you would consider all those after the public
12 hearing and comment period?

13 VICE CHAIRMAN GETZ: That would be my
14 proposal.

15 CMSR. BELOW: Okay.

16 CHAIRMAN BURACK: Go ahead,
17 Mr. Harrington.

18 MR. HARRINGTON: That would apply to
19 both documents, right?

20 CMSR. BELOW: Well, --

21 MR. HARRINGTON: The 100 and 200?

22 CMSR. BELOW: With 100, we added a
23 couple of definitions and --

24 MR. HARRINGTON: Right, but there could

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1 be more things we'd want to put into the 100?

2 CMSR. BELOW: Oh, sure. Sure.

3 CHAIRMAN BURACK: That's correct. And,
4 when we post the notice of rulemaking, I would assume that
5 we would post this as a single notice pertaining to both
6 sections, and that we would be taking comments on both
7 sections at the same time, ultimately adopting a single
8 set of rules.

9 CMSR. BELOW: So, I'll move that we make
10 an Initial Proposal -- oh, I'm sorry.

11 CHAIRMAN BURACK: Amy, did you have a
12 question or comment on this draft?

13 DIR. IGNATIUS: Well, I'm just wondering
14 if this the place where Commissioner Bald's suggestion of
15 a copy being made of materials being made to the Historic
16 Resources section would fit in here as part of the
17 application process or upon issuance of a completeness
18 review? It seems like that -- I can't find the section
19 that describes posting the materials, although it may be
20 in there, and, if it is, then it could include an
21 additional section.

22 CHAIRMAN BURACK: Ms. Amidon.

23 MS. AMIDON: Thank you. I think that
24 one of the issues that we had discussed in the form of

1 comment at the November 9th meeting was the posting of
2 information. And, the question was "whether the
3 Department of Environmental Services would have the
4 ability to post, for example, if you will, a docket of
5 application and the process for the application?" So, I
6 think we, in that discussion, we contemplated it, but we
7 hadn't worked out the details. I don't know if there's
8 anyone else that actually remembers something different.
9 I would also note that the rules provide for a service
10 list, as any adjudicative proceeding would have. And, you
11 could either, in the rules, say that one entity that is
12 always on the service list shall be the, and I know I'm
13 going to call it wrong, the historic sites --

14 CMSR. BALD: It's been called many
15 names. It's the "Division of Historic Resources", I
16 believe.

17 MS. AMIDON: Okay. Thank you. But, on
18 the other hand, then it would beg the question, if you
19 want to add everybody, it needs to be on the service list.
20 So, I just offer those comments, and I'll be quiet.

21 CHAIRMAN BURACK: Mr. Getz.

22 VICE CHAIRMAN GETZ: Well, I think
23 there's a few ways of addressing the concern. One way
24 would be to put in Sections 201.05 and 201.06, in

1 201.05(b) tells, with a bulk power and energy facility,
2 who the Committee shall forward copies to, and you could
3 include specifically the Historic Resources, and you could
4 do similar in 201.06(a). Now, that, I mean, that's one
5 way of doing it. There's a few different ways of doing
6 it. It's just a question of, do you want to do it here
7 and now or see if there's a better place? And, I'm not
8 sure if there is, but --

9 CMSR. BALD: I was comfortable with just
10 waiting and kind of looking at it and see what would be
11 the best way to do it. And, again, I don't want to do it
12 -- I don't want to cause a lot of aggravation in doing it,
13 but I just wanted to make sure that, and -- okay.

14 CHAIRMAN BURACK: Commissioner Below.

15 CMSR. BELOW: I just had a question for
16 Commissioner Bald. Wondering if your intent or thought
17 was the application or the application, plus motions, and
18 subsequent filings after the application?

19 CMSR. BALD: Well, you know, I think
20 that they should know all the information that's going on.
21 So, the idea of them being on the service list, I know
22 it's additional, but it certainly wouldn't be a bad idea
23 either.

24 CMSR. BELOW: Okay.

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1 VICE CHAIRMAN GETZ: And, incrementally,
2 it's not --

3 CMSR. BALD: Right.

4 VICE CHAIRMAN GETZ: -- an
5 administrative burden.

6 CMSR. BALD: You've got 20, and you make
7 21. It shouldn't be onerous.

8 VICE CHAIRMAN GETZ: Well, I guess my
9 inclination would be -- well, there's two options. We can
10 try and wordsmith it now, and I think it may be just as
11 little as adding a phrase to those two sections, or we
12 could wait and look through the chapter to see if there's
13 a better way of doing it, and then do it as part of the
14 rulemaking process.

15 CMSR. BALD: That would be my
16 preference, yes.

17 CHAIRMAN BURACK: One of my concerns
18 would be to ensure that, as we do this, we don't place
19 unnecessarily an additional burden on the SEC itself to
20 handle these communications, when really it should be the
21 Applicant that is ensuring that it is communicating this
22 information not just to us, but presumably to the other
23 state agencies that would have an interest in these
24 matters. So, I think that would augur in favor of

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1 following Commissioner Bald's suggestion that we -- we
2 have flagged this as an issue that we clearly want to
3 address in the final rules and we just have to figure out
4 the best way to do it. Everybody comfortable with that?

5 CMSR. MORRISON: Yes.

6 CHAIRMAN BURACK: Okay. Any other
7 questions or discussion with respect to this Initial
8 Proposal draft of the Section 200, Sec 200 rules?

9 (No verbal response)

10 CHAIRMAN BURACK: Okay. If not, do you
11 want to start your motion, Mr. Below?

12 CMSR. BELOW: Sure. I'll move that we
13 adopt as an Initial Proposal Chapter Sec 200 Procedural
14 Rules as the preliminary draft that's been posted on,
15 what, the SEC website?

16 MR. HARRINGTON: Yes.

17 CMSR. BELOW: And circulated to the
18 Committee members prior to the meeting.

19 CMSR. MORRISON: Second.

20 CHAIRMAN BURACK: Motion has been made
21 and seconded. Any discussion?

22 (No verbal response)

23 CHAIRMAN BURACK: If not, all in favor?

24 (Multiple members indicating "aye".)

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1 CHAIRMAN BURACK: Opposed?

2 (No verbal response)

3 CHAIRMAN BURACK: Abstentions?

4 (No verbal response)

5 CHAIRMAN BURACK: Thank you. Okay, that
6 motion carries. We will proceed to post these as an
7 Initial Proposal. It may also be helpful to have a motion
8 that would authorize, so that we can make this process
9 work as expeditiously as possible, to authorize
10 Commissioner Getz, as our Vice Chairperson, to handle all
11 ministerial matters relating to the rulemaking proceedings
12 here. Would there be a motion or any thoughts to that
13 effect?

14 MR. DUPEE: I'll make that motion.

15 CMSR. BALD: Second.

16 CHAIRMAN BURACK: Any discussion?

17 (No verbal response)

18 CHAIRMAN BURACK: If not, all in favor?

19 (Multiple members indicating "aye".)

20 CHAIRMAN BURACK: Opposed?

21 (No verbal response)

22 CHAIRMAN BURACK: Abstentions?

23 (No verbal response)

24 CHAIRMAN BURACK: Thank you. The motion

1 carries.

2 VICE CHAIRMAN GETZ: Thank you, I think.

3 CHAIRMAN BURACK: We are all most
4 grateful to you. All right. Any other --

5 VICE CHAIRMAN GETZ: Well, there's just
6 one little matter on that. I think that sometime in the
7 next couple of weeks we'll send around an e-mail to see
8 folks' availability for a hearing date sometime in
9 February.

10 CHAIRMAN BURACK: Okay. Unless there's
11 any other discussion with respect to these Initial
12 Proposals, the Initial Proposal for rules?

13 (No verbal response)

14 CHAIRMAN BURACK: Are there any other
15 matters, new business, that the Committee members wish to
16 raise? Mr. Stewart.

17 DIR. STEWART: One minor matter,
18 relative to the Lempster, Lempster wind turbine project.
19 The consultant for the owner has met with Craig Rennie
20 from our Staff, and there's some minor modifications, I
21 believe they are minor modifications, under the
22 certificate. Essentially, what they're doing is reducing
23 the width of the roads and placing a small bridge over the
24 wetlands crossing, so that there's no net wetlands impact

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1 and the overall footprint of the project is being reduced.
2 One of the reasons for this is that, apparently, there's a
3 different crane that they can now use. It's a new type of
4 crane which will -- it's smaller, and so the footprint is
5 reduced. And, so, unless there's any issues from the
6 Committee, we'll proceed as a minor modification with this
7 to review and probably ultimately approve this
8 modification. Thank you.

9 CHAIRMAN BURACK: Questions or
10 discussion?

11 DIR. IGNATIUS: Can I just ask, Mr.
12 Stewart, do you know if the net wetland impact comes down
13 as a result?

14 DIR. STEWART: Yes, the net wetland
15 impact becomes zero. Hence, the wetlands permit is moot
16 at that point.

17 CMSR. BELOW: Hard to complain about
18 that.

19 CHAIRMAN BURACK: Any further questions
20 or comments on that matter?

21 (No verbal response)

22 CHAIRMAN BURACK: Any other new
23 business?

24 (No verbal response)

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1 CHAIRMAN BURACK: Hearing none, we will
2 stand adjourned. Thank you all very much.

3 CMSR. BELOW: Thank you.

4 (Whereupon the public meeting was
5 adjourned at 9:43 a.m.)

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